

REMARKS

Reconsideration of all grounds of rejection and allowance of all the claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-10, 12, 14, and 16-17 are pending herein. Support for the amendments is found in the specification, at least, on page 11, line 19 through page 12, line 5.

Summary of the Rejections:

(1) Claims 1-10 stand rejected under 35 U.S.C. § 103(a) over Tracy et al. (U.S. 5,979,757 hereinafter "Tracy") in view Dworken, (U.S. 4,992,940 hereinafter "Dworken").

(2) Claims 12, 14-17 and 19 stand rejected under 35 U.S.C. § 103(a) over Tracy et al. and Dworken, in further view of Loof (U.S. 6,507,279).

Applicants' Traversal:

It is respectfully submitted that none of the instant claims are unpatentable by Tracy, Dworken and Loof, alone or in combination. Applicants have amended the base claims to clarify that in the presently claimed invention, the controller is arranged to (1) receive information from the label reader, (2) allow a user to adjust the received information from the label reader, (3) send a request, using the received information or adjusted information, to one or more of the service nodes through the communication unit, (3) receive an information response from the service node, (4) display the information response, and (5) enable a user to evaluate the product with the information response from the service node.

Applicants respectfully submit that Tracy, Dworken and Loof, alone or in combination do not teach, alone or in combination, the above emphasized limitations.

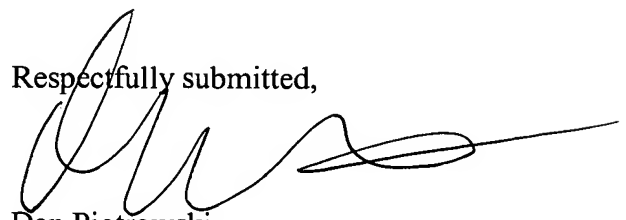
Applicants further respectfully disagrees with the Office Action's contention that Tracy teaches, in col. 8, line 54+, a user to adjust the read information from a label and resending a request to a service node. In this section Tracy only discloses that a user may not be able to scan all items for payment and that a user profile may be updated for certain in-store preferences. Accordingly, Tracy allows a user to receive information related to certain specified preferences, but, this is not in response to [adjusted] information from a label reader associated with a product. A user, in Tracy, thus, does not adjust the received information from the label reader, or send a request, using the received information or adjusted information, to one or more of the service nodes, as recited in the amended claims.

Further, although the Office Action indicates the reason for the combination of Tracy and Dworken is for the advantage of being beneficial to consumers wherein the consumer would provide with the option of choosing the lowest price for the product. Applicants can find no motivation to combine as asserted in the Office Action, without improper hindsight by "use[ing] the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention," see *In Re Denis Rouffet*, 47 USPQ.2d 1453, 1457-58 (Fed. Cir. 1998). Further, no motivation has been provided by the Office Action to show reasons that the skilled artisan, confronted with the same problems as the inventor would select the elements from the cited prior art references (i.e. an in-store shopping system and a database search system) for combination in the manner claimed, see *Id.*

Reconsideration and withdrawal of all grounds of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all grounds of rejection in the Office Action have been overcome. A Notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan Piotrowski', with a long horizontal flourish extending to the right.

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Amendment
Serial No. 10/003,059

Docket No. US 010515



Date: May 25, 2004

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Edna Chapa
By:


(Signature)